

CRIMINAL SENTENCING MINUTES

DATE: November 10, 2004

LOCATION: Syracuse, New York

TIME: 4:30 P.M.

PRESIDING: Hon. Norman A. Mordue

CLERK: Judi L. McNicholas

STENO: Khristine Sellin

RE: **UNITED STATES OF AMERICA**

VS.

CRIMINAL NO. 5:2003-CR-243(NAM)

EDWARD THOMAS

APPEARANCES: U.S. ATTORNEY OFFICE - ND/NY
BY: **John Katko, AUSA for GOVERNMENT**
John Cox, SAUSA for GOVERNMENT

Laurence Wangerman, Esq. for DEFENDANT

- X Judge meets with attorneys in chambers
- X In open court with defendant present
- X Judge inquires regarding review of presentence report and objections thereto.
- X Attorney Wangerman is heard on behalf of defendant.
- X Attorney Katko speaks on behalf of government
- X Defendant addresses the Court
- X The Court adopts the factual findings in the presentence report.

GUIDELINE RANGE DETERMINED BY THE COURT:

Total Offense Level: 20

Criminal History Category: V

Imprisonment Range: 120 to 150 months

Supervised Release Range: 3 years to Life

Fine Range: \$ 0 to \$1,000,000

PURSUANT TO THE SENTENCING REFORM ACT OF 1984, IT IS THE JUDGMENT OF THE COURT:

X Defendant is sentenced on Count **1 of the Superseding Indictment** .

X Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of **63 months**.

X Upon release from imprisonment, defendant shall be placed on supervised release for a term of **4 years**.

X SPECIAL CONDITIONS:

X You shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment. The program shall be approved by the United States Probation Office. You shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on your ability to pay or the availability of third party payments. Refrain from use of alcohol.

X You shall refrain from the use of alcohol while in treatment and for the remainder of the term of supervision following completion of treatment

X A special assessment of \$ 100 is imposed, payable to the Clerk of the Court, which is due immediately. Total special assessment is \$ 100 .

FINE/COST OF INCARCERATION:

X Appeal rights explained to parties

X Defendant remanded to the custody of the U.S. Marshal.

X In the event the Sentencing Guidelines are found unconstitutional, in accordance with its sentencing authority under 18 U.S.C. § 3553(a), it is the judgment of the Court that defendant is imprisoned for a term of **63 months**, in the alternative. All other terms of the sentence remain the same.

4:50 P.M. Court stands adjourned.